

COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR
EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Small Entity)

JFW AF/1617
Docket No.
32808-69752

In Re Application Of: Alastair J. Wood et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/031,827	January 22, 2002	TRAVERS, RUSSELL S.	23643	1617	5772

Invention: ANTIVIRAL THERAPY USE OF P-GLYCOPROTEIN MODULATORS

TO THE COMMISSIONER FOR PATENTS:

This combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition for extension of time under 37 CFR 1.136(a) is respectfully submitted by the undersigned:


Dated: September 23, 2004

Kevin L. McLaren
Registration No. 48351
Barnes & Thornburg LLP
11 South Meridian Street
Indianapolis, IN 46204
(317) 231-7776

Certificate of Transmission by Facsimile*

I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No.

) on _____
(Date)

Signature

Typed or Printed Name of Person Signing Certificate

*This certificate may only be used if paying by deposit account.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 C.F.R. 1.8(a)] on

(Date)
Signature of Person Mailing Correspondence

Kevin L. McLaren - mailed on 9/23/2004

Typed or Printed Name of Person Mailing Correspondence

09/29/2004 WABDEL1 00000011 10031827

01 FC:2401 165.00 OP
02 FC:2253 475.00 OP

CC:

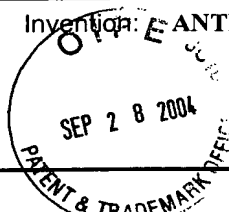
**COMBINED NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES & PETITION FOR
EXTENSION OF TIME UNDER 37 C.F.R. 1.136(a) (Small Entity)**

Docket No.
32808-69752

In Re Application Of: **Alastair J. Wood et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/031,827	January 22, 2002	TRAVERS, RUSSELL S.	23643	1617	5772

Inventor: **ANTIVIRAL THERAPY USE OF P-GLYCOPROTEIN MODULATORS**



COMMISSIONER FOR PATENTS:

This is a combined Notice of Appeal from the Primary Examiner to the Board of Patent Appeals and Interferences and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of March 23, 2004 in the above-identified application.

Date

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated **March 23, 2004** finally rejecting Claim(s) **1-22 and 37**

Applicant(s) hereby request(s) an extension of time of (check desired time period):

☐ One month ☐ Two months ☒ Three months ☐ Four months ☐ Five months

from: **June 23, 2004**

Date

until:

September 23, 2004

Date

The fee for the Notice of Appeal and Extension of Time has been calculated as shown below:

Fee for Notice of Appeal: \$165.00

Fee for Extension of Time: \$475.00

TOTAL FEE FOR NOTICE OF APPEAL AND EXTENSION OF TIME: \$640.00

The fee for the Notice of Appeal and extension of time is to be paid as follows:

☒ A check in the amount of **\$640.00** for the Notice of Appeal and extension of time is enclosed.

☐ Please charge Deposit Account No. _____ in the amount of _____

☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **10-0435**

☒ Any additional filing fees required under 37 C.F.R. 1.16.

☐ Any patent application processing fees under 37 CFR 1.17.

☐ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. _____

☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



BARNES & THORNBURG LLP

11 South Meridian Street
Indianapolis, Indiana
46204
(317) 236-1313
(317) 231-7433 Fax

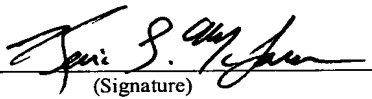
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No. 23643
Group: 1617
Confirmation No.: 5772
Application No.: 10/031,827
Invention: ANTIVIRAL THERAPY USE OF P-
GLYCOPROTEIN MODULATORS
Inventor: Alastair J. Wood et al.
Filed: January 22, 2002
Attorney Docket: 32808-69752
Examiner: TRAVERS, RUSSELL S.

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on September 23, 2004


(Signature)

Kevin L. McLaren
(Printed Name)

CONTINGENT NOTICE OF APPEAL
AND PETITION FOR THREE MONTHS EXTENSION OF TIME

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

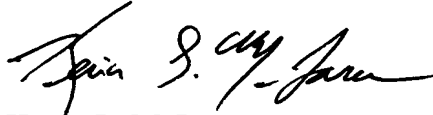
Applicants hereby appeal to the Board of Appeals from the final rejection dated March 3, 2004, of the Primary Examiner finally rejecting claims 1-22 and 37. Applicants submit herewith an accompanying Amendment and Response Under 37 C.F.R. § 1.116. Applicants believe the accompanying Amendment and Response places the application in condition for allowance. However, in the event that the Examiner does not agree that the accompanying Amendment and Response places the application in condition for allowance, and the defects are such that they cannot be corrected by an Examiner's amendment, applicants request that the Examiner enter this Notice of Appeal.

Therefore, if the Examiner concludes that the accompanying Amendment and Response under 37 C.F.R. § 1.116 does not place the application in condition for allowance, then applicants hereby appeal the Examiner's Final Rejection of claims 1-22 and 37, to the Board of Patent Appeals and Interferences.

If the Examiner enters this Notice of Appeal, then applicants authorize the Commissioner to charge the fee specified under 1.17(e) for filing this Notice of Appeal to the Board of Patent Appeals and Interferences (\$165.00, small entity) and any additional required amounts to our Deposit Account No. 10-0435, with reference to our matter no. 32808-69752.

Applicants enclose a check in the amount of \$640.00 which includes the \$165.00 fee for filing this appeal, as well as the \$475.00 for the three month extension of time.

Respectfully submitted,
BARNES & THORNBURG LLP

A handwritten signature in black ink, appearing to read "Kevin L. McLaren", is written over the printed name.

Kevin L. McLaren
Agent Registration No. 48,351

Indianapolis, IN 46204
(317) 231-7776